



Report to the Auburn City Council

Action Item

9

Agenda Item No.

[Signature]
City Manager's Approval

To: Mayor and City Council
From: Robert Richardson, City Manager
Date: August 8, 2011
Subject: Discussion of the "Home Rule for Auburn Charter of 2012"
Proposal

The Issue

Discussion of the proposed "Home Rule for Auburn Charter of 2012".

Conclusion and Recommendation

That the City Council discuss and provide direction to staff.

Background

Over the past several months the City Council has considered a Charter City proposal by Councilman Hanley. Attached, are two additional reports for Council discussion this evening. The first is entitled "Home Rule for Auburn Charter of 2012", by Councilman Hanley; and the second, "Sections of the Proposed Home Rule for Auburn Charter of 2012 Regarding Governance Issues", from the City Attorney. Each report has a set of recommendations for the Council to discuss and consider.

Attachments

Reports by Councilman Hanley and City Attorney Colantuono

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Report to the Auburn City Council

Action Item

Agenda Item No.

City Manager's Approval

To: Honorable Mayor and City Council Members
From: Kevin Hanley, Councilmember
Date: August 8, 2011
Subject: Home Rule for Auburn Charter of 2012

The Issue

Should the City Council place the proposed "Home Rule for Auburn Charter of 2012" on the June 2012 ballot and thereby allow Auburn citizens to decide to whether they want to grant to the City of Auburn, rather than the State, additional flexibility, discretion, and accountability to control local municipal affairs?

Conclusion and Recommendation

Discuss recommendation and determine whether to direct staff to draft resolutions for consideration at a future meeting by which the Council could place a charter before the voters of the City for adoption.

An Open and Public Process in Examining the Proposed Charter

This is the 7th public hearing conducted by the City Council in the last 17 months related to a thorough examination of a potential Home Rule Charter for the City of Auburn. At the June 13, 2011 public hearing, the City Council directed staff to place on the city's Internet website the proposed Home Rule Charter and all related materials for public examination.

Updated Version of the Auburn Charter

From the public hearing process, three changes have been made to the proposed Home Rule Charter. The updated version of the draft Home Rule Charter is enclosed and is labeled at the top by the date August 2, 2011.

First, the City Attorney recommended in his July 11th report that the city council fix a drafting error by adding the word "not" in Section 303 to ensure that the city would have the option to exempt city projects from the state-mandated prevailing wage when the projects are municipal affairs rather than matters of statewide concern. This drafting error has been corrected.

Second, the City Attorney recommended that the city council consider in Section 304 that any local bid preference option be based on a radius from the city center rather than for firms based in Placer County, which stretches from Granite Bay to Lake Tahoe. The City Attorney also recommended that a policy rationale be included in the Charter to justify the reasons why the city should have the option to adopt a local bid preference ordinance. There seemed to be a consensus among council members that this was a good recommendation. I've changed Section 304 to reflect this recommendation.

Third, Councilman Holmes stated the need for additional clarification regarding the status of the city clerk and city treasurer given the proposed Home Rule Charter would change the status of these positions from elected to appointed positions. A new Section 204 has been added with the following language: *"The qualifications and compensation for the city clerk and city treasurer shall be enacted by ordinance by the City Council."*

Taking Control of Auburn's Destiny and Saving Money

When people ask why Auburn should become a Charter City the answer can be given in two words: *Local Control*. The main policy question is whether Auburn residents, business owners, city staff and locally elected city council members should grab the opportunity provided in the home-rule provision of the California Constitution, become a Charter City and thereby maximize local decision making and accountability.

Opponents to the Charter must by definition argue that local residents, business owners, city staff and council members are not competent or honest enough to run more of their municipal affairs. The assertion that "Sacramento knows best" is wrong. Auburn should have greater freedom to address local problems with Auburn solutions.

The Preamble of the Home Rule for Auburn Charter of 2012 states:

***WE THE PEOPLE** of the City of Auburn declare our intent to restore to our community the historic principles of self-governance inherent in the doctrine of home-rule. Sincerely committed to the belief that local government has the closest affinity to the people governed, and firm in the conviction that the maximum economic, fiscal and policy-making independence of local government will better serve and promote the health, safety and welfare of all the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the City of Auburn.*

What's the Problem?

- The California Legislature, dominated by Los Angeles and San Francisco legislators and powerful special interest groups, imposes ill-conceived mandates on Auburn that adversely impact public safety, increase sewer rates and housing costs, and threaten volunteer-led community projects in our small town. This problem will only get worse.
- Recent columns "Legislature Blithely Interferes with Local Decision-Making" (Dan Walters, June 3, 2011), "California Cities Feel Clobbered by Capitol" (Dan Walters, July 11, 2011), "California Local Governments May Face More Restrictions, Less Choice" (Dan Oney, April 6, 2011) tell the story. The League of California Cities lists 10 major bills that could reduce local control for cities.
- Since the City of Auburn has very limited commercially-zoned, vacant land left and faces rising costs, the city needs as much flexibility as possible from costly and ill-conceived state mandates in order to maximize its ability to provide police protection, fire and emergency response, good roads, sidewalks and affordable sewer services for Auburn residents and business owners. *Auburn must do more with less money.*

Shift Authority from Sacramento to Auburn

- The home-rule provision of California Constitution allows a general-law city like Auburn to, with a majority vote of its residents, convert to a Charter City and thereby gain supreme authority over its “municipal affairs.”
- The home-rule principle is based on a belief that local government has a closer affinity to the people and can best promote the health, safety and welfare of local residents. A Charter City has greater flexibility to adopt ordinances that meet the needs of local residents.
- A Charter is a city’s “constitution,” which empowers local residents by shifting power from the dysfunctional California Legislature in Sacramento to local city officials who are more accountable to local residents.
- So far, 120 cities in California, including Roseville and Grass Valley, have become charter cities and this number goes up by two or three cities each election cycle as voters realize that the dysfunctional California Legislature will continue to erode local control.

The Home Rule for Auburn Charter of 2012 is Good for Auburn

- On six different occasions, the California Legislature has refused to permanently exempt volunteers from the prevailing wage when city funds are provided to support a community project. This is wrong. The Home Rule Charter would guarantee the benefit of volunteerism in Auburn by *permanently* exempting Auburn from a counterproductive state law and potential court orders that require volunteers on public projects to either refrain from participation or to be paid a state-imposed prevailing wage. There should be *absolutely no uncertainty* as whether we can organize volunteers to put on an *AMGEN Tour of California Bike Race*, spruce up our town in a *Project Auburn* or protect our residents and firefighters from a catastrophic fire with a *Project Canyon Safe*. (Charter Section 305)
- Save at least \$2 million in ratepayer dollars over the next 6 years by allowing the city to contract for sewer repairs by paying the market rate in Placer County rather than the artificially high, state-imposed prevailing wage rate. A prevailing wage exemption would also allow more local firms to submit bids and win city contracts and provide local jobs. Keeping sewer bills as low as possible is especially important to seniors on fixed incomes, small businesses and to other struggling to pay their bills. (Charter Section 303)
- Gives the City Council the option to craft a “Think Local First” ordinance that could assist local firms win city contracts and help support local jobs. (Charter Section 304)
- Requires a *Performance-Based Budget* to ensure more transparency and accountability on how Auburn resident tax dollars are spent and the level of services that are provided by the city to residents and business owners. All this information would be put on the city’s website for resident review. (Charter Section 300)
- Gives the City of Auburn additional flexibility to craft ordinances to improve police and fire services and lower the regulatory costs for housing and land use management and all other “municipal affairs.”

- Specific problems in Auburn should be met with Auburn solutions. We should maximize local control in crafting good ordinances from animal control to weed abatement. (Charter Preamble, Sections 100, 101, 500, 600)
- Prevents the reduction of revenues and new mandates imposed by other governments. (Charter Sections 400, 401)
- Establishes a mission statement for the city: *“The City shall encourage, support, and promote economic and community development and preserve and enhance the small town character of Auburn.”* (Charter Section 301)
- Prevents the City Council from imposing new types of taxes and fees. (Charter Section 306)
- Prevents the City Council Members from giving themselves a pension or collecting unemployment insurance. (Charter Section 202)
- Saves over \$22,000 in taxpayer dollars per year by eliminating the duplicative positions of the elected City Treasurer and City Clerk. (Charter Section 201)
- Ensures that all five members of the Auburn City Council are elected at-large and thus are to be held accountable by all Auburn voters. (Charter Section 201, 203)
- Keeps current Auburn ordinances in place. (Charter Section 102)

CHARTER OF THE CITY OF AUBURN

PREAMBLE

WE THE PEOPLE of the City of Auburn declare our intent to restore to our community the historic principles of self-governance inherent in the doctrine of home-rule. Sincerely committed to the belief that local government has the closest affinity to the people governed, and firm in the conviction that the maximum economic, fiscal and policy-making independence of local government will better serve and promote the health, safety and welfare of all the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the City of Auburn.

CHARTER Article I Municipal Affairs

Section 100. Municipal Affairs

Each of the responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory and common law of the State of California, is hereby declared to be a municipal affair or concern, the performance of which is unique to the benefit of the citizens of the City of Auburn.

Section 101. Powers

The City shall have all powers that a City can have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

Section 102. Incorporation and Succession

The City shall continue to be a municipal corporation known as the City of Auburn. The boundaries of the City of Auburn shall continue as now established until changed in the manner authorized by law. The City shall remain vested with and shall continue to own, possess, control and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it at the time this Charter takes effect. It shall be subject to all debts, obligations and liabilities, which exist against the City at the time this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

Article 2

Form of Government

Section 200. Form of Government

The municipal government established by this Chapter shall be known as the “Council-Manager” form of government. The City Council will establish the policy of the City and the City Manager will carry out that policy.

Section 201. Elected Officials

The City Council shall consist of five members, each elected at-large and who shall be the sole elected officials in the city. The City Council shall enact an ordinance providing for the appointment or election of a Council Member in the case of a vacancy. The minimum qualifications for a Council Member shall be the same as that provided in the Election Code and Government Code for Council Members of general law cities.

Section 202. Council Member Compensation

The salary of the Mayor and Council Members shall continue to be set pursuant to the California Government Code where the formula considers city population and state law. No Council Member shall receive a pension or unemployment insurance.

Section 203. Elections

The election of the City Council shall be conducted in accordance with the state Election Code. The powers of initiative, referendum and recall shall apply in the City as they do in general law cities under the applicable provisions of state and federal law.

Section 204. City Clerk and City Treasurer

The qualifications and compensation for the city clerk and city treasurer shall be enacted by ordinance by the City Council.

Article 3

Fiscal Accountability and Transparency

Section 300. Performance-Based Management and Budget

The City shall each year enact a Performance-Based Budget, which shall include, but not be limited to, information about revenues, expenditures, assets, liabilities, Council-established goals, department and program objectives and measurable service levels provided to city residents and business owners. The City shall place on its Internet Website up-to-date budgetary and other information that shows how tax and fee revenues received by the City are being used to provide services to Auburn residents and business owners.

Section 301. Economic and Community Development

The City shall encourage, support, and promote economic development and community development and preserve and enhance the small town character of Auburn.

Section 302. Public Works Contracts

The City shall comply with state law applicable to general law cities with regard to competitive bidding for public works contracts and contracts for professional services based on demonstrated competence and professional qualifications.

Section 303. Prevailing Wage

No City contract shall require payment of the prevailing wage schedule unless: the prevailing wage is legally required, and constitutionally permitted to be imposed, by federal or state grants pursuant to federal or state law; or the project is not considered by the City Council to be a municipal affair of the City; or payment of the prevailing wage schedule is authorized by resolution of the City Council. Payment of the prevailing wage schedule, if authorized hereunder, shall use the pertinent rates published by the State of California.

Section 304. The Think Local First Option

The City may, by ordinance, establish specified and limited bid advantages for local firms that are based within a specified radius of the city center, to the extent permitted by state and federal law. The City may enact such an ordinance in recognition of the fact that local firms and local employees help support Auburn's economy and provide air and water quality benefits for local citizens. The City shall establish all standards, procedures, rules or regulations to regulate all other aspects of public contracting.

Section 305. Supporting Volunteers in Auburn

The City seeks to support volunteers in creating a higher quality of life for Auburn citizens and as such declares itself exempt from any state laws or regulations that would make it more difficult or expensive for volunteers to participate in any community project, whether funded with city revenues or not.

Section 306. Limitation on Taxing Authority

This Charter shall not be interpreted as giving the City greater authority to raise the level of taxes or fees or to create new taxes or fees beyond the powers granted to general-law cities.

Article 4 Revenue Retention

Section 400. Reductions Prohibited

Revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

Section 401. Mandates Limited

No person, whether elected or appointed, acting on behalf of the City, shall be required to perform any function which is mandated by any other level of government, unless and until funds sufficient for the performance of such function are provided by said mandating authority.

Article 5 General Laws

Section 500. General Law Powers

In addition to the power and authority granted by the terms of this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

Article 6 Interpretation and Amendment

Section 600. Construction & Interpretation

The language contained in this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter that is a municipal affair. Every reference in this Charter to state or federal law shall mean that law as it exists when this Charter takes effect or as it may thereafter be amended.

Section 601. Title

This Act shall be known as the "Home Rule for Auburn Charter of 2012."

Section 602. Severability

If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

Section 603. Amendment to Charter, revised or repealed

This Charter, and any of its provisions, may be amended by a majority vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the City Council.



Memorandum

City of Auburn
CITY CLERK

To:	City Council Members
From:	Amy Lind, Deputy/Assistant City Clerk
Date:	August 8, 2011
Subject:	Charter City Discussion

My contact information is listed on the City's website as the contact for any Charter City Draft questions and/or comments. Attached is the correspondence I have received since the last charter city discussion July 11th. I have received no phone calls. Notice was published in the Auburn Journal July 29th of the August 8th discussion, encouraging any and all public input.

Amy M. Lind
Deputy/Assistant City Clerk
530-823-4211, Ext. #112
alind@auburn.ca.gov

To Members of the Auburn City Council:

Dr. Bill Kirby, Mayor
Keith Nesbitt, Mayor Pro Tempore
Kevin Hanley, Member
Mike Holmes, Member
Bridget Powers, Member

Dear Council Folk,

I regret that I cannot attend the August 8th meeting when you will be discussing the Charter City matter. So I thought I would write to you, with the hope that my letter will be included in the official documentation of the proceedings. The text is essentially that which was published in the Auburn Journal "Letters to the Editor" on Wednesday, July 20.

I strongly believe that Auburn's brightest and most promising future lies in becoming a Charter City, as provided for in the California state constitution. The proposed charter that you are considering is well-crafted and includes clear safeguards against possible abuses by future elected officials and staff. Becoming a Charter City also permanently guarantees that Auburn's strong and avid volunteer base can continue to serve, unimpeded by state-imposed wage law.

Many arguments against this change will be raised, among them, "Look what happened in Bell. We are setting ourselves up for the same kind of debacle here." While it is true that Bell is a Charter City, that's not causative in the fiscal malfeasance there. What happened in Bell was the result of crooks, greed, and a sleeping populace. Crooks and greed cannot thrive when the citizenry is awake and the Charter is clear, responsible, and drafted with the community's best interest in mind.

Self-determination is always better than other-determination. The state legislature is slowing determining Auburn, and other communities like it, into oblivion. That can all change if you put the Charter City item on the ballot next June, and we, the people, are willing to join in determining our own destiny by passing it.

"Home Rule" rules.

Thank you all for being willing to look at and consider this important matter for Auburn's future.

Wayne Manning,


Auburn, CA 95603

Amy Lind

From: [REDACTED]
Sent: Wednesday, July 27, 2011 12:26 PM
To: Amy Lind
Subject: charter city

Hi Amy
Just to let you know we support your Charter City. Go for it.
Ben & Margareta Swann Asgharzadeh

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Report to the Auburn City Council

Action Item

Agenda Item No.

City Manager's Approval

To: Honorable Mayor and City Council Members
From: Michael G. Colantuono, City Attorney
Date: August 8, 2011
Subject: Sections of the Proposed Home Rule for Auburn Charter of 2012 Regarding Governance Issues

The Issue

Should the City Council propose a charter to the voters of the City and include §§ 200-202, 204, 300 and 306 of the August 2nd draft charter prepared by Councilmember Hanley to address the subjects of governance of the City?

Conclusions and Recommendations

These are matters of policy and this report is intended only to facilitate Council discussion rather than to make a recommendation, although some minor language changes proposed here may be useful if the Council determines to present a charter to the voters for approval. I do provide some procedural advice on how to pursue a charter if the Council wishes to do so.

Discussion

Attached to Mr. Hanley's staff report for this City Council meeting is a further draft of a proposed city charter. That draft charter has a number of provisions regarding the City's governance structure. Each of these is set forth below along with brief commentary to assist your consideration of the policy issues these provisions present.

Section 200. Form of Government

The municipal government established by this Chapter shall be known as the "Council-Manager" form of government. The City Council will establish the policy of the City and the City Manager will carry out that policy.

This provision has the effect of maintaining the City's existing form of government, which is established by ordinance, and requiring voter approval for any future change in that form of government. Other forms of government include the city administrator form (an older and now disfavored form in which department heads report

directly to the City Council), the uncommon (in California) commission form of government in which elected Councilmembers are the department heads, and the strong or executive mayor form of government such as employed in large cities like Los Angeles and San Francisco and as has been debated recently in Sacramento.

Section 201. Elected Officials

The City Council shall consist of five members, each elected at-large and who shall be the sole elected officials in the city. The City Council shall enact an ordinance providing for the appointment or election of a Council Member in the case of a vacancy. The minimum qualifications for a Council Member shall be the same as that provided in the Election Code and Government Code for Council Members of general law cities.

This provision maintains a five-member City Council, eliminates the elected offices of City Clerk and City Treasurer, and maintains state law control over qualifications for candidates for City Council.

The provision requires the Council to enact an ordinance to provide for filling vacancies by appointment or election. This is similar, but not identical, to existing general law. The Government Code now authorizes the City to fill vacancies by appointment unless (i) the City Council adopts an ordinance requiring otherwise or (ii) the Council fails to fill the vacancy within the 60 days permitted by Government Code § 36512. The Government Code authorizes the City to adopt an ordinance that does any of the following: (i) requires all vacancies to be filled by special election, (ii) requires vacancies to be filled by special election when the voters petition for such an election, or (iii) limits the term of an appointed councilmember to the date of the next regularly scheduled election (*i.e.*, limiting the appointee to no more than a two-year term, rather than the balance of a four-year term). Section 36512 does not allow a vacancy to be filled by appointment if it would result in a majority of Councilmembers holding office by virtue of appointment rather than special election. Thus, the draft charter's simple statement that the filling of vacancies is to be governed by ordinance would empower the charter city of Auburn to control all these issues by ordinance. The Government Code provisions described here would apply only until the Council adopted a local ordinance.

The provision is silent as to the impact of the adoption of the charter on the incumbent City Clerk and City Treasurer. It may be helpful to clarify whether these officers are intended to complete their current terms, which expire upon certification of the results of the November 2012 election, or whether their terms are to be shortened so that they end on the effective date of the new charter (*i.e.*, when it is filed with the Secretary of State following adoption by the voters). In addition, if the elected offices of Clerk and Treasurer are to be eliminated, the Council may consider placing the charter before the voters in April or June of next year so that there need not be an election for these offices in November if the charter is approved. An election for these offices would

be required if the charter were placed on the November ballot, as it could not be effective until after that election.

Section 202. Council Member Compensation

The salary of the Mayor and Council Members shall continue to be set pursuant to the California Government Code where the formula considers city population and state law. No Council Member shall receive a pension or unemployment insurance.

This section would maintain current Government Code provisions regarding Councilmembers' salary and prohibit Councilmember pensions and unemployment insurance, two issues that have arisen in other communities recently. Section 600 of the charter states: "Every reference in this Charter to state or federal law shall mean that law as it exists when this Charter takes effect or as it may thereafter be amended." Accordingly, the compensation of members of the Auburn City Council would continue to be governed by the Government Code. Some confusion may arise in the future, however, if the Legislature were to change the Government Code to set salary levels for councilmembers other than with respect to "city population." In addition, the meaning of the phrase "and state law" at the end of the first sentence of this section is not clear to me. It may be better to state this section as follows:

Section 202. Council Member Compensation

The salary of the Mayor and Council Members shall continue to be set pursuant to state law applicable to general law cities. No Council Member shall receive a pension or unemployment insurance.

On the other hand, it may be unlikely that the Legislature would ever regulate general law city council salaries other than with respect to city population and this change may address only an academic issue.

Section 204. City Clerk and City Treasurer

The qualifications and compensation for the city clerk and city treasurer shall be enacted by ordinance by the City Council.

This language, added to the August 2nd draft of the charter at Councilmember Holmes' suggestion, has two consequences. First, it requires that there continue to be a City Clerk and a City Treasurer unless the voters were to amend the charter to eliminate that requirement. Second, it requires the Council to enact an ordinance to establish qualifications and compensation for these positions. In the absence of this provision, the Council could determine by ordinance whether to maintain these positions and the Council would have the authority, but not the duty, to specify the qualifications and compensation for these positions. If the Council did not adopt such an ordinance, the qualifications established by the general law would continue to apply until the Council

acted to change them and the current salaries would remain in effect until changed. State general law does require the Council to establish salaries for these posts, but allows action by resolution. This language would require salaries to be set by ordinance, which requires two readings five days apart, thirty days after second reading before the ordinance takes effect, and allows the ordinance to be referended. Action by resolution requires one reading, takes effect immediately, and is generally not subject to referendum.

Whether to include this provision is a policy question.

Section 300. Performance-Based Management and Budget

The City shall each year enact a Performance-Based Budget, which shall include, but not be limited to, information about revenues, expenditures, assets, liabilities, Council-established goals, department and program objectives and measurable service levels provided to city residents and business owners. The City shall place on its Internet Website up-to-date budgetary and other information that shows how tax and fee revenues received by the City are being used to provide services to Auburn residents and business owners.

This provision requires an annual budget and thus would bar a two-year budget (unless the Council interpreted it to allow annual adoption of a two-year budget) and requires that budget to be "Performance-Based."

The reference to the City's "Internet Website" might grow stale as technology advances. That matter can be addressed by voter-approved amendment when the time comes or that phrase could be restated as "Internet Website or such other technology as the Council determines will facilitate free and convenient access by residents and business owners."

Section 306. Limitation on Taxing Authority

This Charter shall not be interpreted as giving the City greater authority to raise the level of taxes or fees or to create new taxes or fees beyond the powers granted to general-law cities.

The California Constitution requires voter approval of all new local government taxes, of both general law and charter cities, by virtue of Proposition 218 adopted in 1996. Moreover, Government Code § 37100.5 provides general law cities with the power to impose any tax a charter city might impose. Accordingly, the taxing power of general law and charter cities is generally the same, with some exceptions for taxes as to which state law preempts general law cities, but may not preempt charter cities. The best examples of these are documentary transfer taxes on real property sales, limited to \$0.55 per \$500 of the purchase price in general law cities but established at higher rates in many

charter cities. This provision would limit the charter city of Auburn to the taxing power of a general law city as to the rate of existing taxes or fees and the rate and base of new taxes and fees. It does not subject the City to procedural rules for the exercise of a general law city's taxing power (such as the requirement of Government Code § 53724(b) that general taxes be proposed by a 2/3 vote of the City Council) and these issues would be governed by the charter and the ordinances of the City.

Recommendations and Conclusion

This staff report is intended to facilitate Council discussion of these provisions of the draft charter. If the Council wishes to proceed with a charter, I recommend you:

1. Direct staff regarding any amendments to the August 2, 2011 draft charter you desire.
2. Direct me to review the proposed charter and to provide any drafting suggestions I may have. The current draft is Councilmember Hanley's proposal and, although I reviewed an earlier draft and he accepted most of my comments, I have not reviewed the current proposal. If the charter is adopted, it will be in force for many years and voter approval will be required for any amendments. Accordingly, I recommend you direct me to review its text. I do not expect to have very many comments, and few of substance, but there are a number of small language changes that I believe will be helpful.
3. Direct staff to agendize resolutions to call a general or special election in 2012 to consider the charter and to place the charter on that ballot. The established election dates in 2012 are: April 10, June 5, and November 6. As noted above, an April or June date will avoid the need for a November election to the offices of City Clerk and City Treasurer if those offices are made appointive by the new charter.

I will be in attendance at your August 8th meeting and can assist that discussion as you wish. If I can provide further advice or assistance in the meantime, please let me know.

c: Bob Richardson, City Manager

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